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CIVIL CASES

**ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS IN THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF KANSAS**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

**ADMINISTRATIVE PROCEDURES FOR
FILING, SIGNING, AND VERIFYING PLEADINGS
AND PAPERS BY ELECTRONIC MEANS IN CIVIL CASES**

I. THE ELECTRONIC FILING SYSTEM.

A. IN GENERAL. Unless otherwise permitted by these administrative procedures, by local rules, or by a general order of the court, or unless otherwise specifically authorized by the assigned judge, all documents¹ submitted for filing in civil cases in this district on or after March 20, 2003, no matter when a case was originally filed, shall be filed electronically² using the Electronic Filing System (“System”). However, the following exceptions shall apply.

1. Complaints, notices of removal, civil cover sheets, and summonses are governed by paragraph II(A)(2) & (3) of these procedures.
2. The filing of fee matters is governed by paragraph III(B) of these procedures.

¹ The requirement that all documents be filed electronically includes motions, memoranda, briefs, exhibits, administrative records etc. It also includes transcripts of proceedings, and deposition transcripts if they are filed with the court (*see* [D. Kan. Rule 30.2](#)).

² When scanning documents that will be filed electronically, filing parties should configure their scanners at 300 dpi. Filing parties are responsible for ensuring that scanned documents are legible. If a scanned document is not legible, the filing party should seek leave to file the document with the clerk’s office conventionally, rather than electronically.

Because large documents may not upload properly to the System or download within a reasonable amount of time, the System will reject documents that exceed 30 megabytes. Accordingly, excessively large documents must be filed in components, each of which must be less than 30 megabytes, or may be filed conventionally with leave of the court. **It is recommended/required to OCR (Optical Character Recognition) scanned documents so they are text searchable.** Sending a document or pleading to the court via e-mail does not constitute electronic filing unless otherwise ordered by the court or permitted by these rules

3. A party may apply to the assigned judge for permission to file documents conventionally.³ However, even if the assigned judge initially grants permission to file documents conventionally, that permission may be withdrawn at any time and the party may be required to file documents electronically using the System.
4. The clerk or any judge of this court may deviate from these procedures without prior notice if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action. The court may also amend these procedures at any time without prior notice.

B. PRISONER E-FILING. Documents submitted by prisoners incarcerated by the Kansas Department of Corrections must be electronically submitted to the court as follows:

1. Prisoner litigants will scan pleadings in civil actions on a digital sender or similar equipment.
2. Once the document has been scanned, the prisoner will e-mail the pleading to the court at: ksd_clerks_topeka@ksd.uscourts.gov.
3. The court will e-file these pleadings upon receipt by e-mail.
4. Upon filing, the court will create a Notice of Electronic Filing (NEF), which will confirm the date the pleading was e-filed by the court and contain an electronic link to the document.
5. A party may not electronically serve a complaint, but instead must effect service according to Federal Rule of Civil Procedure.
6. Once defendants or respondents have accepted such service, however, the NEF for a subsequent prisoner pleading shall constitute service of the document by first class mail, postage prepaid. The NEF will be transmitted to an e-mail address established by the court upon the designation of the facility and will be distributed through institutional channels to the inmate.

³ As used in these administrative procedures, a conventionally filed document is one presented in traditional paper or other non-electronic, tangible format.

7. Documents filed by defendants or respondents will continue to be mailed by those parties, and orders entered by the court will be transmitted by mail.
8. The electronic transmission of correspondence and court filings is free to prisoners; however, statutory filing fees apply to these actions and are not affected by e-filing.
9. Prisoner participants in the e-filing pilot project remain subject to the provisions of [D. Kan. Rule 9.1](#). Initial court filings, such as petitions and complaints, submitted by these participants must be transmitted on official forms, and all court filings must contain the prisoner's conviction name and KDOC identification number, the name of the opposing party, the case number, if one has been assigned, and signature. The failure to provide this information may result in delay in processing of the incomplete submission. Complete copies of the rules of the court are available for review in the law library.
10. Questions regarding filing by prisoners who are in segregated housing should be directed to the facility librarian.
11. A prisoner who is transferred to any facility not designated for inclusion by the Department will resume the submission of pleadings by mail.

C. PASSWORDS.⁴

1. In General.
 - a. No attorney or pro se party shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her law office, if one exists.
 - b. Once registered, an attorney or pro se party shall be responsible for all documents filed with his or her password.
2. Attorneys Admitted to Practice in This Court. Each attorney admitted to practice in the District of Kansas shall be entitled to one System password, to be created through pacer.gov which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing.

⁴ Registration for a password is governed by paragraph I(D) of these procedures.

3. Attorneys in MDL Cases. Each attorney in a case transferred under [28 U.S.C. 1407](#) shall be entitled to one System password, created through PACER.gov, which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing unless otherwise ordered or instructed by the judge in the case.
4. Attorneys Admitted Pro Hac Vice. Each attorney admitted pro hac vice must complete and sign an Electronic Filing Registration Form (available at <http://www.ksd.uscourts.gov/attorney-electronic-filing-registration-form>). The attorney may then retrieve documents electronically through PACER and will receive System-generated notices of electronic filing. However, the System will not allow the attorney to file documents electronically.
5. Pro Se Parties.
 - a. A pro se party to a pending civil action, i.e., one who is not represented by an attorney, may register to use the System solely for purposes of the action. The pro se party will be assigned a password after registering at pacer.gov, permitting the pro se party to electronically retrieve and file pleadings and other papers in the action.
 - b. Registration for a password is governed by Paragraph I(D)
 - c. By registering to use the System, the pro se party consents to electronic service of all documents as provided in these administrative procedures and in accordance with the Federal Rules of Civil Procedure and Local Rules.
 - d. If, during the course of the action, the pro se party retains an attorney who appears on the party's behalf, the pro se party will no longer receive Notices of Electronic Filing when documents are filed in the case. The System will send all Notices of Electronic Filing to the attorney.

D. REGISTRATION.

1. Effective August 10, 2015, any individual who wishes to e-file in the District of Kansas must have a PACER account and must request filing privileges for this court through the PACER Service Center. This new method for providing CM/ECF access is referred to as Central Sign-On and allows all PACER users to use the same login and password in all NextGen CM/ECF⁵ courts in which they

⁵ NextGen CM/ECF is an updated filing system that includes Central Sign-On for attorneys. Central Sign-On is new

have been granted access to file. Detailed instructions for this process are available at ksd.uscourts.gov.

- a. **Attorneys who have PACER accounts issued BEFORE August 11, 2014:** Accounts issued prior to August 11, 2014 are classified as “legacy” accounts by the PACER Service Center. These accounts must be upgraded prior to requesting e-filing privileges with this court. Detailed instructions for upgrading a legacy PACER account are available on the court’s website at ksd.uscourts.gov. Once the PACER account has been upgraded, attorneys may request e-file registration via PACER at pacer.gov. The request will be reviewed and processed by the local court and filing privileges will be granted to all attorneys who are members of the bar of this court and are in good standing.
 - i. To be in good standing, an attorney must comply with the requirements of [D. Kan. Rule 83.5.3](#), including timely payment of the annual registration fee.
- b. **Attorneys who have PACER accounts issued AFTER August 11, 2014 or who have already upgraded a “legacy” account:** Attorneys who have upgraded PACER accounts should request access to e-file in this district by signing into the PACER account and submitting an e-file registration request to this court. The request will be reviewed and processed by the local court and filing privileges will be granted to all attorneys who are members of the bar of this court and are in good standing.
- c. **Attorneys who do not have an existing PACER account:** Attorneys who do not have an existing PACER account should go to pacer.gov and register for BOTH a PACER account and e-filing privileges with this court. The PACER application will be processed by PACER as a separate action from the e-filing application, even though they are submitted together. The request will be reviewed and processed by the local court and filing privileges will be granted to all attorneys who are members of the bar of this court and are in good standing.
- d. **Pro se parties – E-Filing and Electronic Notice.** Pro se parties who wish to file electronically and receive electronic notice should go to PACER.gov and apply for both a PACER account and for e-filing privileges in the “Non-Attorney” category. The request will be reviewed by the clerk’s office and a clerk will contact the party to verify that he/she has access to the necessary equipment to receive electronic notice. Once verified, the

functionality that will allow filers to maintain one account across all courts (district, appellate, and bankruptcy) and to sign in one time to access all courts where the filer has permission to file (each court must be upgraded to NextGen). The District of Kansas will be the first district court to implement NextGen.

request will be approved. The court reserves the right to revoke pro se electronic filing privileges at any time.

- e. **Pro se parties – Electronic Noticing Only.** Pro se parties who wish to receive electronic notice and service of filed documents must complete the “Electronic Notice Registration Form for Pro Se Filers,” available at ksd.uscourts.gov/forms. The form should be returned to the clerk’s office. The pro se party should go to PACER.gov to register for a PACER account, but should NOT request electronic filing privileges from the court.
 - i. All signed original Electronic Filing/Notification Registration Forms shall be mailed, e- mailed, faxed, or delivered to the clerk’s office and shall bear the original signature of the attorney or pro se party (no s/ signatures are allowed).
2. Once e-filing privileges have been granted, the filer will use his/her PACER login and password to access CM/ECF and electronically file documents.
3. Once registered, an attorney or pro se party may withdraw from participating in the System by providing the clerk’s office with notice of withdrawal. The notice must be in writing, and must be mailed or delivered to the clerk’s office. Upon receipt, the clerk’s office will immediately cancel the withdrawing person’s password and delete the person’s name from any applicable electronic service list. An attorney’s withdrawal from participation in the System will not be construed as an authorization to file cases or documents conventionally.
4. After registering, attorneys or pro se parties may change their passwords at pacer.gov. If an attorney or pro se party comes to believe that the security of an existing password has been compromised and that a threat to the System exists, the attorney or pro se party must change his or her password immediately.
5. An attorney or pro se party whose e-mail address, mailing address, telephone number, or fax number changes shall timely file a notice of a change of address and serve a copy of the notice on all other parties (see [D. Kan. Rule 5.1\(c\)\(3\)](#)). His/her address should also be changed at pacer.gov.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. In General.

- a. All motions, pleadings, applications, briefs, memoranda of law,

transcripts of proceedings, administrative records, or other documents shall be filed on the System electronically except as otherwise provided by these administrative procedures, by local rules, or by court order.

- b. E-mailing a document to the clerk's office or to the assigned judge does not constitute filing the document. A document shall not be considered filed until the System generates a notice of electronic filing.

2. Complaints and Notices of Removal.

- a. Cases filed by attorneys:
The clerk's office requires that all civil cases in which the filing party is represented by counsel be filed electronically through CM/ECF. Step-by-step instructions for this process are available at ksd.uscourts.gov. The initiating document, any necessary attachments, designation of place of trial and civil cover sheet are required at the time that the case is opened. All filing fees must be paid during the filing of the initiating document using Pay.gov.

In the event that the attorney is unable to file a complaint or notice of removal electronically due to technical issues, the filing party should contact the clerk's office for instructions for filing the documents via e-mail or in person.

- b. Cases filed by pro se parties:
The clerk's office will accept complaints, notices of removal and civil cover sheets sent by e-mail, United States mail, or delivered in person to the clerk's office by pro se parties. Though pro se individuals may be granted permission to file documents electronically in their own cases, permission does not extend to filing the originating complaint or notice of removal. A pro se party who wishes to request electronic filing access must do so on a case-by-case basis after the case has been opened by the clerk's office.

Clerk's office email addresses are as follows:

ksd_clerks_kansascity@ksd.uscourts.gov
ksd_clerks_topeka@ksd.uscourts.gov
ksd_clerks_wichita@ksd.uscourts.gov

- i. If using e-mail, the filing party must submit the complaint and cover sheet in PDF format. See section II(C)(1) below

for information regarding the proper signature for pro se documents submitted by email. Upon receipt of the submission, the clerk's office will contact the filing party for a credit card number to pay the filing fee.⁶

- ii. The filing fee must accompany a complaint sent through the United States mail or personally delivered to the clerk's office. The clerk's office will scan the complaint, upload it to the System, and then discard the paper document.
- iii. Unless otherwise permitted, only new complaints, notices of removal, civil cover sheets, summons forms, proposed orders submitted to the clerk's office pursuant to paragraph II(E)(5) of these procedures and certain documents in sealed cases may be sent to these e-mail addresses. If an attorney or registered pro se party sends other documents to these e-mail addresses, the clerk's office will either call the sender or respond to the sender with an e-mail to explain that the document must be filed in the System electronically.
- d. New cases are deemed filed the day the clerk's office receives the complaint or notice of removal as long as the clerk's office receives any required filing fee as soon as possible.
- e. A party may not electronically serve a complaint, but instead must effect service according to [Federal Rule of Civil Procedure 4](#).
- f. Copies of state court records and proceedings filed pursuant to [D. Kan. Rule 81.2](#) must be filed electronically.

3. Summonses.

- a. The clerk's office will receive summonses to be issued sent by e-mail, sent by United States mail, or delivered in person to the clerk's office.
- b. E-mail summonses may be sent to the e-mail addresses listed in paragraph II(A)(2)(b) above.
- c. The party requesting the summons must complete the top portion of the summons form and, if sending the summons by United States mail, also submit a stamped, self-addressed return envelope.

⁶ Information on the use of credit cards to pay fees can be found on the court's Internet site at www.ksd.uscourts.gov under "General Information."

- d. A party may not electronically serve a summons, but instead must effect service according to the [Federal Rule of Civil Procedure 4](#).

4. Pleadings that Add or Delete Parties or Attorneys.

- a. If, after the initial complaint in a case is filed, a party files a pleading that adds a new party to the case (*e.g.*, an amended complaint, a third-party complaint, etc.), the attorney or pro se party who files the pleading shall call the clerk's office before filing the pleading in order to have the new party added to the case in the System.
- b. The System is only capable of recognizing an entry of appearance on behalf of the attorney who files the entry of appearance. Accordingly, if an attorney files an entry of appearance on his or her own behalf as well as on behalf of other attorney(s), then the attorney who files the entry of appearance shall call the clerk's office after filing the entry of appearance in order to have the other attorneys added to the case in the System.
- c. A Withdrawal of Counsel and Entry of Appearance of Substituted Counsel, see [D. Kan. Rule 83.5.5\(c\)](#), may only be filed by the attorney entering his or her appearance, not by the withdrawing attorney.
- d. The clerk's office will add the Kansas Department of Corrections as an interested party when appropriate for the limited purposes of filing the Martinez Report in civil rights actions filed by state and county prisoners. Upon the filing of that report, the Department of Corrections may move for termination from the action.
- e. The clerk's office will add the Social Security Regional Administrator as an interested party in Social Security appeal cases for the purpose of electronically noticing that agency.
- f. The clerk's office will add the United States Bankruptcy Court as an interested party in bankruptcy appeal cases for the purposes of electronically noticing that agency.

- 5. A document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned judge may order that a document be filed by a time certain.
- 6. If filing a document requires leave of the court (*e.g.*, an amended complaint, surreply brief, etc.), the attorney or pro se party shall attach the proposed

document to the motion as an exhibit. If the court grants the motion, the order will direct the attorney or pro se party to file the document with the court electronically.

7. The clerk's office shall maintain a paper court file in any case on or after March 20, 2003, only to the extent provided by court order, local rule (*see, e.g., [D. Kan. Rule 5.4.1](#)*), and these procedures. The official court record shall be the electronic file maintained on the court's servers and any documents or exhibits allowed to be filed conventionally.
 - a. The clerk's office will discard all documents brought to the clerk's office for filing after those documents are scanned and uploaded to the System.
 - b. Because the clerk's office will discard all documents brought to the clerk's office for filing, the court encourages attorneys and pro se parties to retain the originals of documents with intrinsic value. Alternatively, prior to submitting the document to the clerk's office, an attorney or pro se party may seek a court order directing the clerk's office to either
 - i. return the document to the attorney or pro se party, or
 - ii. retain the original document in the court's file in conventional paper format.

Such orders, however, will be granted only in exceptional circumstances and only on a case-by-case basis. No such standing authorizations will be allowed.

8. Transcribers and Court Reporters. Transcribers and court reporters must either file certified transcripts of proceedings electronically on the System or submit to the clerk's office for uploading to the System. In addition, contract court reporters must promptly submit original paper notes to the clerk. If a transcript is ordered in a case in which the notes have been submitted to the clerk, the court reporter shall retrieve the notes and resubmit them to the clerk when the transcript is filed. A transcriber or court reporter will not receive payment until the transcript has been filed and the notes (or tape, if applicable) have been returned to the clerk's office.

B. SERVICE.

1. Whenever a pleading or paper other than a sealed document or document in a sealed cases is filed electronically in accordance with these

procedures, the System will generate a “Notice of Electronic Filing” to the filing party, to any other party⁷ who is a registered user and has requested electronic notice in that case and to the assigned judge.

2. If the recipient is a registered participant in the System, the System-generated notice of electronic filing shall constitute service of the document by first class mail, postage prepaid.⁸
3. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form A.
4. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the notice of electronic filing to provide the recipient with proof of the filing.
5. System-generated briefing deadlines (*e.g.*, those that appear when a motion is electronically filed or when querying deadlines) are for court use only and should not be relied upon as accurate briefing deadlines.
6. A filer who brings a document to the clerk’s office to scan and upload to the System must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as e-mail or fax.

C. SIGNATURES.

1. Non-Attorney Signature.

⁷ To determine whether another party is a registered user, the filer can select the System’s “Utilities” category, click on “Mailing Information for a Case” on the pull-down menu, and enter the case number. The System will then list the registered users in the case.

⁸ Service of documents which commence an action, *e.g.* a complaint or notice of removal, must be served in accordance with [Fed. R. Civ. P. 4](#) (see paragraph II(3)(d) above).

- a. If the original document requires the signature of a non-attorney, other than a pro se party who has registered for electronic filing, the filing party or the clerk's office shall scan the original document, and then file it on the System electronically. This rule includes all notarized documents. The electronically filed document as it is maintained on the court's servers shall constitute the official version of that record. The court will not maintain a paper copy of the original document.
- b. A pleading or other document requiring the signature of a pro se party who has registered for electronic filing shall be signed in the following manner: "s/ (filer name)." The correct format for the signature of a pro se party who has registered for electronic filing is as follows:

s/ Pro Se Party
Pro Se Party
123 South Street
Kansas City, KS 66101
Telephone: (913) 123-4567
Email: proseparty@prose.com

- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within eleven days of service of the document.

2. Attorney Signature.

- a. A pleading or other document requiring an attorney's signature shall be signed in the following manner: "s/ (attorney name)." The correct format for an attorney signature is as follows:

s/ Pat Attorney
Pat Attorney
Bar Number 12345
Attorney for (Plaintiff/Defendant) XYZ Company
ABC Law Firm
123 South Street
Kansas City, KS 66101
Telephone: (913) 123-4567
Fax: (913) 123-5678
E-mail: pat_attorney@law.com

- b. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an

objection to the document within eleven days of service of the document.

3. Multiple Attorney Signatures. The following procedure applies when a stipulation or other document (*e.g.*, a joint motion) requires two or more attorney signatures:
 - a. The filing attorney shall initially confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
 - b. The filing attorney then shall file the document electronically, indicating the signatories, (*e.g.*, “s/ Jane Doe,” “s/ John Smith,” etc.) for each attorney.
 - c. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within eleven days of service of the document.

D. FEES PAYABLE TO THE CLERK. Any fee required for filing a pleading or paper is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. Payment may also be made during the filing of certain events (Complaint, Notice of Removal, Motion to Appear Pro Hac Vice, Notice of Appeal) through Pay.gov from a checking or savings account or by credit card. The clerk’s office will document the receipt of fees on the docket with a text-only entry. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

E. ORDERS.

1. The assigned judge or the clerk’s office shall electronically file all signed orders.
2. Proposed orders shall be submitted as outlined below.
 - a. Electronically submitted proposed orders shall not be combined with the motion into one document. Rather, the motion must be filed first, then the proposed order must be submitted by e-mail. The proposed order must refer to the document number that the System assigns to the motion when the motion is electronically filed.
 - b. So that the court can have the flexibility to edit proposed orders, all proposed orders must be submitted in a format compatible with

Microsoft Word or WordPerfect. Judges will not accept proposed orders in PDF format.

- c. A proposed order should be attached to an Internet e-mail sent to the e-mail address of the assigned judge. The judges' e-mail addresses are as follows:

ksd_belot_chambers@ksd.uscourts.gov
ksd_birzer_chambers@ksd.uscourts.gov
ksd_crabtree_chambers@ksd.uscourts.gov
ksd_crow_chambers@ksd.uscourts.gov
ksd_gale_chambers@ksd.uscourts.gov
ksd_lungstrum_chambers@ksd.uscourts.gov
ksd_marten_chambers@ksd.uscourts.gov
ksd_melgren_chambers@ksd.uscourts.gov
ksd_murguia_chambers@ksd.uscourts.gov
ksd_ohara_chambers@ksd.uscourts.gov
ksd_robinson_chambers@ksd.uscourts.gov
ksd_rushfelt_chambers@ksd.uscourts.gov
ksd_sebelius_chambers@ksd.uscourts.gov
ksd_vratil_chambers@ksd.uscourts.gov
ksd_waxse_chambers@ksd.uscourts.gov

- d. Proposed orders corresponding to **non-dispositive** civil motions (*e.g.*, motions to compel, motions to modify scheduling orders, etc.) should be submitted to the assigned magistrate judge. Proposed orders corresponding to **dispositive** motions (*e.g.*, motions to dismiss, motions for summary judgment, motions to remand, etc.) and motions to extend briefing deadlines relating to dispositive motions should be submitted to the assigned district judge. If in doubt regarding whether to submit a proposed order to the assigned magistrate judge or the assigned district judge, the proposed order should **not** be submitted to both. Rather, the proposed order should be submitted to the magistrate judge and, if appropriate, the magistrate judge will then forward the proposed order to the district judge.

- 3. When the clerk's office mails paper copies of an electronically filed order to a party who is not a registered participant of the System, the clerk's office will include a copy of the notice of electronic filing to provide the non-participant with proof of the filing.
- 4. The assigned judge or the clerk's office, if appropriate, may grant routine orders by a text-only docket entry, for which the system will generate a notice

of electronic filing. In such cases, no PDF document will issue; the text-only entry shall constitute the court's only order on the matter.

5. Proposed orders submitted pursuant to [D. Kan. Rule 77.2\(a\)](#) should be prepared in a format compatible with Microsoft Word or WordPerfect and should then be attached to an Internet e-mail sent to the clerk's office at one of the following e-mail addresses:

ksd_clerks_kansascity@ksd.uscourts.gov
ksd_clerks_topeka@ksd.uscourts.gov
ksd_clerks_wichita@ksd.uscourts.gov

The clerk's office will not accept proposed orders in PDF format.

F. TITLE OF DOCKET ENTRIES. The registered user who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the court.

G. CORRECTING DOCKET ENTRIES.

1. Once a document is filed electronically, corrections to the docket can only be made by the clerk's office. The System will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
2. A document may be filed incorrectly as the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, entering the wrong case number and not catching the error before the transaction is completed, etc. **The filing party should not attempt to refile the document.** Rather, as soon as possible after an error is discovered, the filing party should contact the clerk's office with the case number and document number that needs to be corrected. If appropriate, the court will make an entry indicating the document was filed in error. The clerk's office will advise the filing party if the document needs to be refiled.
3. If a filing party discovers that he or she erroneously filed a document containing certain personal data identifiers pursuant to section II(I) of these Administrative Procedures, the filing party should contact the clerk's office. By e-mail, the filing party should provide the clerk's office with a redacted document. The clerk's office will seal the original document and will attach the redacted document to the same docket entry. This correction procedure applies only to documents containing the personal data identifiers specified in section II(I). Requests to redact or seal previously filed documents containing

other sensitive information will require a motion.

H. TECHNICAL FAILURES. The clerk's office shall deem the District of Kansas CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible.

1. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document as set forth in [D. Kan. Rule 77.1](#) if compelling circumstances exist.
2. In the event of a technical failure of the court's CM/ECF site, documents may be submitted to the clerk's office via e-mail to the appropriate clerk's office account, as follows:

ksd_clerks_kansascity@ksd.uscourts.gov
ksd_clerks_topeka@ksd.uscourts.gov
ksd_clerks_wichita@ksd.uscourts.gov

3. A filing party whose filing is made untimely as the result of a technical failure of the court's CM/ECF's site may seek appropriate relief from the court.

I. PRIVACY. In accordance with [Fed. R. Civ. P. 5.2](#) and to address the privacy concerns created by Internet access to court documents, litigants shall modify or partially redact the following personal data identifiers appearing in documents filed with the court:

1. Social Security numbers: Use only the last four numbers; and
2. Minors' names: Use the minors' initials;
3. Dates of birth: Use only the year; and
4. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number.

In addition, parties may modify or partially redact other confidential information as permitted by the court (*e.g.*, driver's license numbers, medical records, employment history, individual financial information, and proprietary or trade

secret information.) Consistent with the [E-Government Act of 2002, Pub. L. 107-347](#) (December 17, 2002), a party that files a document with such personal data identifiers or other confidential information redacted may file an unredacted version of the document under seal or file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifiers. The reference list must be filed under seal and may be amended as of right. The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy of the document for the public file.

- J. DOCUMENTS TO BE FILED UNDER SEAL.** A party filing a motion for leave to file document(s) under seal shall file that motion electronically, under seal, in the Electronic Filing System. The motion for leave to file under seal shall attach as sealed exhibits the document(s) the party wishes to be filed under seal. At the same time, the motion and attachment(s) must be served outside of the System on other parties. The party shall submit, via email to `ksd_<Judge'sLastName>_chambers@ksd.uscourts.gov`, a proposed order. If a document to be filed under seal is only one part of a larger document or series of documents, the party must file all portions the party does not seek to have sealed in accordance with any deadlines, indicating where any portion to be sealed should be inserted upon an order granting leave to file under seal. The motion for leave to file under seal must also be filed in accordance with any deadlines, with the proposed sealed documents attached.

If the motion for leave to file under seal is granted, the assigned judge will enter electronically the order authorizing the filing of the documents under seal. The assigned judge will also direct the clerk's office to grant to all attorneys who have entered an appearance in that case (and whose appearance has not been terminated) the ability to view sealed documents in that case (assuming this access has not previously been granted). The filing party shall then file its document(s) electronically under seal. Pro se filers, however, will still not have electronic access to sealed documents due to limitations of the System. A filing user granted leave to file a document under seal must serve any pro se parties outside of the System.

If the motion for leave to file under seal is denied, the assigned judge will enter electronically an order denying the filing of the document(s) under seal.

Once access to sealed documents has been granted to an attorney in a case, it will be the responsibility of that attorney to notify the clerk's office if he or she is terminated from the case and the parties wish that terminated attorneys no longer have access to sealed documents in that case.

K. DOCUMENTS TO BE FILED IN SEALED CASES. Attorneys involved in a sealed civil case will be given electronic access to the case.

1. Upon the filing of the complaint, the attorney(s) for the plaintiff(s) will be given access to the sealed case.
2. Defense counsel or an attorney for plaintiff entering the case after the initial pleading must provide an entry of appearance by password-protected e-mail (contact the clerk's office to obtain the password) or the court's secured messaging service (see <http://www.ksd.uscourts.gov/sending-secure-documents-to-the-court/> for details). Once the entry is filed by clerk's office staff, sealed access will be given and all subsequent documents shall be filed electronically.
3. Because of security concerns with e-mail, there will be no automatic electronic notification through CM/ECF in the case. Attorneys must notify chambers by e-mail or telephone of any documents filed in the case. Documents must be served on other counsel in the case outside of CM/ECF.
4. The court will serve orders and other court documents outside of CM/ECF, via the court's secured messaging service.
5. Pro se filers do not have access to sealed cases in CM/ECF.

III. FILING OF DOCUMENTS OTHER THAN THROUGH THE SYSTEM. The following procedures govern documents filed conventionally or other than through the System. The court, on motion, may also authorize conventional filing of other documents otherwise subject to these procedures.

A. UNREGISTERED PRO SE FILERS. A pro se party who elects to not become a registered user of the System must file according to one of the options set forth below:

1. Filing Options. Unregistered pro se parties shall file documents by one of the following means:
 - a. **Conventionally.** Original documents may be submitted by mail or in person to the clerk's office. The clerk's office will file stamp the documents on the date they were received, scan the original documents into an electronic format and file them in the System

- b. **Facsimile.** Documents bearing an original signature may be submitted by facsimile transmission (see numbers below). The clerk's office will convert documents transmitted by facsimile to an electronic format and file them in the System. The date filed will be the date the documents were received by the clerk's office fax machine.

Kansas City: 913-735-2201
Topeka: 785-338-5401
Wichita: 316-315-4201

- c. **E-mail.** Documents bearing an original signature may be scanned and submitted as an attachment to an e-mail sent to the clerk's office (see e-mail addresses below). Documents submitted by e-mail must be in PDF format and must comply with administrative procedures with respect to exhibits. No other formats will be accepted. The clerk's office will file e-mailed documents in the System. The date filed will be the date the documents were received.

As an alternative to submitting scanned documents, the pro se party can sign the document with his or her s/ signature (e.g. s/ John Smith). If this method is used, the pro se party must submit within five business days the original version of the document bearing his/her original signature to the clerk's office along with a copy of the e-mail. The clerk's office will attach a scanned copy of the version bearing the original signature to the docket entry for verification purposes.

Kansas City: ksd_clerks_kansascity@ksd.uscourts.gov
Topeka: ksd_clerks_topeka@ksd.uscourts.gov
Wichita: ksd_clerks_wichita@ksd.uscourts.gov

2. **Service.** Pro se parties are responsible for service of all documents under all methods of filing outlined above.
3. **Confirmation of Receipt.** The clerk's office will not confirm receipt of documents filed by e-mail or facsimile. Pro se parties shall use tools within their e-mail program or facsimile machine to confirm receipt and/or shall verify the filing of such documents using a PACER account.

- B. REIMBURSEMENT FOR COURT-APPOINTED COUNSEL.** Documents relating to reimbursement for court-appointed counsel in civil matters pursuant to [Local Rule 83.5.3\(f\)](#) may be submitted conventionally or under seal. This includes any document such as authority to pay court appointed counsel, authorization and voucher for expert and other services, authorization and voucher for payment of transcript, and requests for excess fees. In order to address privacy/strategy issues, all documents submitted pursuant to [Local Rule 83.5.3\(f\)](#), if submitted

conventionally shall be maintained in the clerk's office in a separate paper file or be filed in CM/ECF under seal.

IV. ATTACHMENTS.

A. IN GENERAL.

1. A filing party should scan a paper attachment to a pleading and submit the exhibit as a PDF file. Filing parties may submit PDF files containing scanned documents of more than 30 megabytes only if they are filed in separate 30-megabyte segments.
2. Filing users are required to verify that scanned documents are legible before the documents are filed electronically with the court.

B. VOLUMINOUS EXHIBITS. If the exhibit(s) attached to any particular document exceed a total of 30 megabytes, then the document and exhibits must be filed according to the following procedure.

1. The filing user must prepare an exhibit index and file the index as an attachment to the main document.
2. Each separate exhibit must be filed as a separate attachment to the main document. Titles and descripts should accurately reflect the contents of the document.
3. If any particular exhibit exceeds 30 megabytes, then that exhibit must be broken down into separate components of 30 megabytes or less, and each component must be filed as a separate attachment.
4. Following is a sample exhibit index, for which each exhibit must be filed as a separate attachment to the main document. The exhibit index should be the last attachment in the filing.

Exhibit	Description
A	Affidavit of John Smith
B	Excerpts from Jane Doe's Deposition
C-1	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-15)
C-2	Contract Between XYZ Company and ABC Company (Part 2, Pages 16-24)
D	XYZ Company General Ledgers

C. CONVENTIONAL FILING OF EXHIBITS. A party may seek a court order allowing the party to conventionally file exhibits that are not available in electronic form or that are too lengthy to scan. If the court grants a party leave to file exhibits conventionally, then the exhibits must be filed according to the following procedure.

1. The filing user must prepare an exhibit index. This exhibit index must be filed as the last attachment to the main document and must state that the exhibits are being filed conventionally with the court's permission rather than electronically.
2. The filing user shall file the pleading containing the exhibits conventionally. The pleading's caption shall identify the document to which the exhibits relate (*e.g.*, "Exhibits in Support of Defendant XYZ Company's Memorandum in Support of Motion for Summary Judgment"). The exhibits must be tabbed and bound. The clerk's office will note on the docket its receipt of the pleading containing the exhibits with a text-only entry. The clerk's office retains the right to scan and upload the documents after they have been received conventionally.
3. A party must serve conventionally filed materials on other parties as if not subject to these electronic filing procedures.

V. PUBLIC ACCESS TO THE SYSTEM DOCKET.

A. PUBLIC ACCESS AT THE COURT. Electronic access to the System is available for viewing to the public at no charge at the clerk's office during regular business hours. A copy fee for electronic reproduction is required in accordance with [28 U.S.C. § 1914](#). A current schedule of clerk's office fees is available at www.ksd.uscourts.gov/clerks-office-fees.

B. INTERNET ACCESS.

1. Remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information.⁹

⁹ Non-judiciary CM/ECF users will be charged a fee of 10 cents per page to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document (excluding transcripts) has been approved. The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a

2. To address the privacy issues inherent in a Social Security review or immigration case, except for orders designated as written opinions, Internet access to the individual documents will be limited to counsel and court staff. Docket sheets, however, will be available over the Internet to non-parties. Further, non-parties will continue to have direct access to the documents on file at the clerk's office.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES. Conventional copies and certified copies of electronically filed documents may be purchased at the clerk's office. The fee for copying and certifying will be in accordance with [28 U.S.C. § 1914](#). A current schedule of clerk's office fees is available at www.ksd.uscourts.gov/clerks-office-fees.

FORM A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SAMPLE FORMATS - CERTIFICATE OF SERVICE

Sample A

I hereby certify that on ____ (date) ____, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following: _____. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:_____.

s/ Attorney's Name

Attorney's Name
Attorney's Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Phone Number
Fax Number
Attorney's E-mail Address

Sample B

I hereby certify that on ____ (date) ____, I presented the foregoing to the clerk of the court for filing and uploading to the CM/ECF system which will send a notice of electronic filing to the following: _____. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:_____.

s/ Attorney's Name

Attorney's Name
Attorney's Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Phone Number
Fax Number
Attorney's E-mail Address